

DANA POINT DESALINATION PROJECT AUTHORIZATION ACT

JANUARY 17, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 664]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 664) to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 664 is to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

BACKGROUND AND NEED FOR LEGISLATION

The Municipal Water District of Orange County provides wholesale water to 30 cities and retail water agencies in Southern California. Like many water suppliers in Southern California, the District relies heavily on imported water from the Colorado River and the Sacramento-San Joaquin Bay-Delta, importing almost 90% of the current water supply for the District's service area. Along with

most of California, Orange County has experienced tremendous population growth, putting an even greater burden on scarce water supplies. Some communities are considering seawater or brackish water desalination as a way to supplement their existing sources of potable water.

The Water Desalination Act of 1996 (Public Law 104–298) authorized an expanded research and development program to produce the most cost-effective and technologically efficient means by which usable water could be produced from saline water or water otherwise impaired or contaminated. Under the Act, the Secretary of the Interior is authorized to award competitive grants and to enter into competitive contracts, subject to annual appropriations, to conduct, encourage, and assist in the financing of research to develop processes for converting saline water into water suitable for beneficial uses.

H.R. 664 would amend the Water Desalination Act of 1996 to authorize \$2,500,000 in federal funds to assist the Municipal Water District of Orange County, California in completing research and development, environmental and feasibility studies, and preliminary engineering for the District's proposed seawater desalination project at Dana Point, California. The proposed project would deliver approximately 15,000 to 20,000 acre-feet of water per year to water consumers in Orange County.

The federal contribution under H.R. 664 is not to exceed 25% of the total cost of the studies and engineering work authorized by the bill. The bill does not authorize funds for constructing the project.

COMMITTEE ACTION

H.R. 664 was introduced on January 24, 2007 by Rep. John Campbell (R–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water and Power. The bill was also referred to the Committee on Science and Technology. Identical legislation passed the House of Representatives in the 109th Congress. On October 10, 2007, the Full Natural Resources Committee met to consider the bill. The bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that this Act may be cited as the “Dana Point Desalination Project Authorization Act”.

Section 2. Authorization for Dana Point Desalination Project

The section amends the Water Desalination Act of 1996 (Public Law 104–298) to authorize the Secretary of the Interior to assist the Municipal Water District of Orange County in studies and preliminary engineering of the Dana Point Desalination Project located in Dana Point, California. This section also specifies that the federal cost share of the project cannot exceed 25% of the total costs of the project, authorizes funds not to exceed \$2,500,000 for the studies and engineering, and limits the federal authorization to 10 years.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 644—Dana Point Desalination Project Authorization Act

Summary: H.R. 664 would authorize the Secretary of the Interior to assist the Municipal Water District of Orange County, California, in research and other preliminary activities for a desalination project in Dana Point, California. The federal share of the project's cost could not exceed 25 percent, and the Secretary's authority to assist the water district would expire after 10 years.

Assuming appropriation of the authorized amount, CBO estimates that implementing H.R. 664 would cost \$2.5 million over the 2008–2012 period. Enacting the bill would not affect direct spending or revenues.

H.R. 664 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. The Municipal Water District of Orange County, California, could benefit from federal assistance authorized by the bill.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 664 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

WATER DESALINATION ACT OF 1996

* * * * *

SEC. 10. DANA POINT DESALINATION RESEARCH AND FEASIBILITY RELATED COSTS.

(a) *AUTHORITY.*—*The Secretary may assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California.*

(b) *FEDERAL SHARE.*—*Notwithstanding section 7, the Federal share of the costs for the project assisted under subsection (a) shall not exceed 25 percent of the total costs of the project.*

(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is hereby authorized to be appropriated to the Secretary \$2,500,000 to carry out this section.*

(d) *SUNSET.*—*The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.*

BART GORDON, TENNESSEE
CHAIRMAN

RALPH M. HALL, TEXAS
RANKING MEMBER

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE AND TECHNOLOGY

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January 16, 2008

The Honorable Nick J. Rahall, II
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Rahall:

I write to you regarding H.R. 664, the "Dana Point Desalination Project Authorization Act." This legislation was initially referred to both the Committee on Natural Resources and the Committee on Science and Technology.

H.R. 664 was marked up by the Committee on Natural Resources on October 10, 2007. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 664.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I also ask that a copy of this letter and your response be placed in the legislative report and the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,



BART GORDON
Chairman

cc: The Honorable Ralph M. Hall, Ranking Member
The Honorable Don Young, Ranking Member, Committee on Natural Resources
The Honorable John Sullivan, Parliamentarian

NICK J. RAHALL, II, WV
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U.S. House of Representatives
Committee on Natural Resources
 Washington, DC 20515

January 16, 2007

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LYNN JONES
 REPUBLICAN CHIEF OF STAFF

The Honorable Bart Gordon
 Chairman
 Committee on Science and Technology
 2320 Rayburn H.O.B.
 Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your willingness to expedite floor consideration of H.R. 664, the Dana Point Desalination Project Authorization Act.

I appreciate your willingness to waive rights to further consideration of H.R. 664, even though your Committee has a jurisdictional interest in the matter and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

This exchange of letters will be placed in the committee report and inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,



NICK J. RAHALL, II

Chairman

Committee on Natural Resources